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10/500,130	06/25/2004	Ryosuke Miyamoto	03500.017020.	7158
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ZHU, RICHARD Z				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,130

Applicant(s)

MIYAMOTO, RYOSUKE

Examiner

RICHARD Z. ZHU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9,12 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9,12 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/2009 has been entered.

Status of the Claims

2. Claims 1, 3, 5-7, 9, 12, and 17 are pending in the instant application. Claims 1, 3, 5, 7, 12, and 17 are "currently amended".

Response to Applicant's Arguments

3. Applicant's arguments have been duly considered in view of the amendments to the claims. As such, previous grounds of rejections are withdrawn. In light of further consideration, however, the examiner enters new grounds of rejections in the instant action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 6-7, 9, 12, and 17 are rejected under 35 USC 103(a) as being unpatentable over *Okazawa (US 5937148 A)* in view of *Kon (JP 06-264651 A, as submitted in the original IDS)* and *Shishizuka et al (US 6347202 B1)*.

Regarding the apparatus of Claim 1 and therefore the method of Claim 12, *Okazawa* discloses an image processing apparatus having a plurality of operation modes including a mode for outputting print data received from outside of the image processing apparatus (Fig 1, Printing Apparatus and see Col 4, Rows 30-35, print data being received from an external apparatus), the image processing apparatus comprising:

specifying unit that specifies an operator, the operator being one of a user and a department that uses the image processing apparatus (Fig 1, CPU 114 and see Col 4, Rows 33-41, the CPU implements a program on a work memory to control the operation of the entire apparatus. Col 7, Row 62 - Col 8, Row 2, when it is confirmed that print data is received from and the printer is being used by an external host, the printer send its status information about its current power consumption to the external host via an ID that specifies the external host and otherwise specifies an operator);

memory unit that stores a power consumption status information for said each of the plurality of operation modes (Fig 1, RAM 116 and see Col 7, Rows 64-65);

preparation unit that prepares statistical information concerning the power consumption status information of the image processing apparatus (Fig 1, CPU 114 and see

Col 4, Rows 33-41, the CPU implements a program on a work memory to control the operation of the entire apparatus, including preparing status or statistical information concerning power consumption of the apparatus);

output unit that performs output of the statistical information consumption prepared by said preparation unit (**Fig 1, CPU 114 and IOP 111, Col 4, Rows 30-35, for transmitting status information to the operator or the external apparatus whereas the display at the external apparatus would display the status information to the operator).**

Okazawa does not disclose an image processing apparatus having a first mode for outputting image data read by image reading means and a second mode for outputting print data received from the outside.

Shishizuka discloses an image processing apparatus (**Col 6, Rows 38-58, Composite Image Forming Apparatus**) having a first mode for outputting image data read by image reading means (**mode for reading in scanned images**) and a second mode for outputting print data received from the outside (**mode for printing images and see Col 6, Rows 53-58, network interface for sending and receiving data from an external device**) that compiles and analyze power consumption information (**Col 1, Rows 29-59**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of *Okazawa* to have an image read mode of *Shishizuka* such that the apparatus would have a plurality of modes having both an image read mode and outputting print data whereas the motivation would've been to provide the user with a multi-functional image processing apparatus that can receive data from external means (*Okazawa*, **Col 4, Rows 30-31**).

The apparatus of the combined teachings do not disclose a timing unit that times an operation time for each of the plurality of operation modes and an operation time for the specified operator during operation of the image processing apparatus and calculation unit that calculates a power consumption amount of the image processing apparatus for the specified operator based on the power consumption amount per unit time stored by said memory unit and the operation times timed by said timing unit.

Kon discloses an image processing apparatus having a plurality of operation modes (Paragraph 8, Printer 6, having operation modes A, B, C, and D, see Paragraph 16) comprising:

a timing unit that times an operation time for each of the plurality of operation modes and an operation time for an operator during operation of the image processing apparatus (Paragraph 19, timer controlling section 16 and see Drawing 2, Paragraphs 16 and 21, measuring an operation time for each of the modes specified by an operator during the execution of said modes);

a memory unit that stores a power consumption amount per unit time for each of the plurality of operation modes (Paragraph 21, RAM 15 stores power consumption for each of the modes A, B, C, and D);

calculation unit that calculates a power consumption amount of the image processing apparatus for the specified operator based on the power consumption amount per unit time stored by said memory unit and the operation times timed by said timing unit (Paragraph

16, printing controller 11 and see paragraph 22, calculate total power consumption on the basis of time and power consumption per unit time or watts per second);

preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus calculated by said calculation unit **(Drawing 3 and see Paragraph 22, statistical information involving the total cost of power consumption used by the printer during its operation. This is done by printing controller 11);**

output unit that performs an output of the statistical information prepared by said preparation unit **(Paragraph 22 and see Drawing 4, display for indication 20).**

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the image processing apparatus of the combined teachings to have the functions of the timing unit, memory unit, calculation unit, and preparation unit as taught by *Kon* that would result in a real time measurement of power consumption of a printer when its operating in its plurality of modes such as reading mode and printing mode whereas the motivation would've been to collect information about power consumption of the image processing apparatus in order to be employed by a system manager for the purpose of energy saving (*Kon*, Paragraphs 3-4).

Regarding the computer program on a computer readable medium, *Okazawa* discloses program implemented by CPU on ROM 115 (Col 4, Rows 30-35).

Regarding Claim 3, *Okazawa* discloses management unit that manages user identification information by associating the user identification information with power consumption status information (**Col 7, Rows 62-67**).

Kon discloses the preparation unit prepares the statistic information based on the timed operation times (**Drawing 2 and see Paragraphs 9+19**), the power consumption amount per unit time for said each of the plurality of operation modes (**Paragraph 22, collecting power consumption on the basis of watt/second**).

Okazawa as modified by ***Kon*** would have an apparatus that manages user identification information by associating an external host ID representing said operator or user with power consumption statistics that includes operation times timed by the timing means with respect to all the requests made by said operator in order to minimize power consumption.

Regarding Claim 6, *Shishizuka* discloses the image processing apparatus (**Col 6, Rows 38-58, Composite Image Forming Apparatus**) wherein the first mode is a copy mode (**scanner function or mode for reading in scanned images**) and the second mode is a printer mode (**printer function or mode for printing images**).

Regarding Claim 7, *Okazawa* as modified by ***Kon*** and ***Shishizuka*** discloses wherein said output unit outputs the prepared statistical information concerning power consumption to a display unit during designated processing for designating the operation mode or during execution of the operation mode (***Okazawa*, Fig 9, Display Unit 95 on the external host computer where the status information is outputted to**).

Regarding Claim 9, *Okazawa* as modified by *Kon* and *Shishizuka* discloses an information processing apparatus capable of communicating with the image processing apparatus (*Okazawa*, Col 4, Rows 30-35, see Fig 9).

6. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Okazawa* (*US 5937148 A*) as modified by *Kon* (*JP 06-264651 A*, as submitted in the original IDS) and *Shishizuka et al* (*US 6347202 B1*) in view of *Alsop* (*US 6795829 B2*).

Okazawa discloses sending prepared statistic information concerning power consumption to a terminal apparatus external to the information processing apparatus (Col 4, Rows 30-35, see Fig 9).

However, said combined teachings does not wherein said output means sends the statistical information to a terminal apparatus external to said image processing apparatus as a markup language.

Alsop discloses in Fig 1, a central computer 2 that act as a fulcrum to exchange information with various devices in a network. Furthermore, *Alsop* discloses in (Col 4, Rows 20-25) that markup language HTML can be employ as the protocol to communicate information over the network to an external terminal apparatus (Fig 1).

Alsop is the field of communicating information comprising user identification, power consumption, time value, and etc (Fig 2 and Fig 3) to external terminal apparatus.

It would've been obvious to one of ordinary skill in the art at the time of the invention to configure the output means of the combined teachings to communicate statistical

information to a terminal apparatus using markup language as suggested by *Alsop* in order to properly communicate information over a network or server.

Therefore, it would've been obvious to combine *Alsop* with the combined teachings to attain the invention of Claim 5.

Conclusion

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ²
02/03/2009

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Supervisory Patent Examiner, Art Unit 2625